

REMARKS

I. Introduction

In response to the Office Action mailed on February 7, 2005, applicants submit the following remarks.

Claims 1-29 are pending in this application. Claims 24-29 were withdrawn as being directed towards a nonelected invention. Applicants have amended claim 1 to more particularly define the invention. Applicants respectfully submit that the amendments are fully supported and add no new matter. Claims 2, 10, 12, and 13 have been cancelled without prejudice.

Reconsideration of this application in light of the following remarks is hereby respectfully requested.

II. Summary of the Examiner's Action

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a) for failing to show every feature of the invention specified in the claims.

The Examiner objected to the specification as failing to provide proper antecedent basis for "a clip element," "a puller," and "the clips being interconnected or not connected."

Claim 2 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to

particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-3, 5-8, 10-12, 14, and 16-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Walsh et al. U.S. Patent No. 4,917,087 (hereinafter "Walsh").

Claims 1-6, 8-12, and 14-23 were rejected under 35 U.S.C. § 102(e) as being anticipated by Gifford et al. U.S. Patent No. 5,695,504 (hereinafter "Gifford").

III. Applicants' Reply to the Objection to the Drawings

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a) for failing to show every feature of the invention specified in the claims. In particular, the Examiner asserts that the "clip element" and "the puller which pulls the lips into the clip" are not shown, as required. This objection is respectfully traversed.

Applicants' FIG. 38 illustrates clip elements 436'' that are adapted for sealing at least a portion of an opening between two blood conduit lips. Furthermore, clip elements 436'' also serve as pullers when clip elements 436'' are twisted (see specification, page 35, lines 13-18). Twisting and releasing clip elements 436'' causes the clip elements to draw tissue into the space between clip elements 436'' and expandable ring 430a. The twisting "promotes turning of the extreme

distal end portions of the struts toward the coronary artery wall," which serves to pull the blood conduit lip into the clip element (see specification, page 35, lines 13-18).

Applicants respectfully submit that the drawings show every feature of the invention specified in the claims, including the "clip element" and "the puller which pulls the lips into the clip." Thus, applicants respectfully request that the objection to the drawings under 37 C.F.R. § 1.83(a) be withdrawn.

IV. Applicants' Reply to the Objection to the Specification

The Examiner objected to the specification as failing to provide proper antecedent basis for "a clip element," "a puller," and "the clips being interconnected or not connected." This objection is respectfully traversed.

Applicants respectfully submit that the portions of the specification supporting the drawings and discussed above also provide the required antecedent basis for "clip element" and "a puller." Furthermore, the clip elements may be interconnected by, for example, expandable ring 430a (see FIG. 38 and specification, page 35, lines 7-25).

Thus, applicants respectfully submit that the specification provides proper antecedent basis for all of

the claim terms. If the Examiner would like to discuss amending the specification to include the above terms next to their synonymous terms in the specification, applicants respectfully request that the Examiner telephone the undersigned agent for approval of an Examiner's amendment. In any case, applicants respectfully request that the objection to the specification for failing to provide proper antecedent basis be withdrawn.

V. Applicants' Reply to the Rejection of
Claim 2 under 35 U.S.C. § 112

The Examiner rejected claim 2 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have cancelled claim 2 without prejudice. Therefore, the rejection of claim 2 under 35 U.S.C. § 112 has been rendered moot.

VI. Applicants' Reply to the Rejection of Claims 1-3,
5-8, 10-12, 14, and 16-23 under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-3, 5-8, 10-12, 14, and 16-23 under 35 U.S.C. 102(b) as being anticipated by Walsh. This rejection is respectfully traversed.

Applicants have amended independent claim 1 to more clearly define the invention and to include features that the Examiner has identified as being allowable.

Claims 2, 10 and 12 have been cancelled without prejudice. Thus, independent claim 1 is now in allowable form, and claims 3, 5-8, 11, 14, and 16-23 now depend on an allowable independent claim. Therefore, applicants respectfully request that the rejection of claims 1, 3, 5-8, 11, 14, and 16-23 under 35 U.S.C. § 103(a) be withdrawn.

VII. Applicants' Reply to the Rejection of
Claims 1-6, 8-12, and 14-23 under 35 U.S.C. § 102(e)

The Examiner rejected claims 1-6, 8-12, and 14-23 under 35 U.S.C. 102(e) as being anticipated by Gifford. This rejection is respectfully traversed.

Applicants have amended independent claim 1 to more clearly define the invention and to include features that the Examiner has identified as being allowable.

Claims 2, 10 and 12 have been cancelled without prejudice. Thus, independent claim 1 is now in allowable form, and claims 3-6 and 14-23 now depend on an allowable independent claim. Therefore, applicants respectfully request that the rejection of claims 1, 3-6 and 14-23 under 35 U.S.C. § 103(a) be withdrawn.

VIII. Conclusion

For at least the foregoing reasons, applicants respectfully submit that claims 1, 3-9, 11, and 14-23 are allowable. Therefore, this application is in condition for allowance.

Accordingly, prompt reconsideration and
allowance of this application are respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Stuart W. Yothers", is written over a horizontal line.

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